

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

In re: EPD Investment Co.,  
LLC  
and JERROLD S. PRESSMAN,  
Debtors,

CV 18-8323 DSF (JCx)  
Bankruptcy No.: 12-02424 ER

JASON M. RUND,  
Chapter 7 Trustee,  
Plaintiff,

**ORDER RETURNING  
CLAIMS AGAINST THE  
BRIGHT CONSCIENCE  
TRUST TO THE  
BANKRUPTCY COURT FOR  
DETERMINATION**

v.

JOHN C. KIRKLAND, et al.,  
Defendants.

Having reviewed the submissions of the parties and heard oral argument, the Court concludes it is appropriate to return the adjudication of the claims against the Bright Conscience Trust to the Bankruptcy Court. This will ensure that the Bankruptcy Court's expertise is applied to the underlying legal issues. The remaining claims are core claims, and the Trust does not have a right to a jury trial.


The parties are to provide to the Bankruptcy Court all relevant information pertaining to the jury trial as to John Kirkland, including the jury's findings and verdict.

The parties are also to advise the Bankruptcy Court that this Court has dismissed Count 1 of the Fourth Amended Complaint as it relates to John Kirkland.

Counsel for the Trust represented that only approximately two additional hours of testimony would be required if this Court were to try the matter. The Court sees no reason why the Bankruptcy Court cannot also rely on the testimony provided during the jury trial. If the Bankruptcy Court determines that it needs substantial testimony from non-parties that would not be necessary if this Court were to try the matter (presumably because the Court observed the testimony given at the jury trial), the Bankruptcy Court should so advise the parties, and the parties may seek reconsideration of this ruling on that ground.

IT IS SO ORDERED.

Date: September 18, 2019

  
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Dale S. Fischer  
United States District Judge